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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,378	02/05/2002	Jeffrey A. Vasek	2408.4911US	1736

7590 01/26/2005  
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EXAMINER

THOMPSON, MICHAEL M

ART UNIT PAPER NUMBER

3763

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

<b>Application No.</b> 10/071,378	<b>Applicant(s)</b> VASEK ET AL.	
<b>Examiner</b> Michael M. Thompson	<b>Art Unit</b> 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 30 September 2004.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-87 is/are pending in the application.  
4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-4, 9-14, 18, 20, 22-34, 37-39, 41, 42, 45-47, 62-63, 68-75, 78-87 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/05/02
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims withdrawn from consideration are 5-8,15-17,19,21,35,36,40,43,44,58-61,64-67,76 and 77.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Figures 1-9, claims 1-4, 9-14, 18, 20, 22-34, 37-39, 41, 42, 45-47, 62-63, 68-75, and 78-87 in the reply filed on 09/30/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 5-8, 15-17, 19, 21, 35-36, 40, 43-44, 58-61, 64-67, and 76-77 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/30/2004.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action,

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9-14, 18, 20, 22-34, 37-39, 41, 42, 45-47, 62-63, 68-75, and 78-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Combeau ('423). Combeau teaches a catheter connection system for effecting a fluid-tight coupling between a medical device that accommodates fluid flow therethrough and a free end of a catheter having an outer wall with an exterior surface and an interior surface, the interior surface of the outer wall of the catheter defining a longitudinally extending fluid flow lumen within the catheter, the connection system being capable of being manipulated by a user into an assembled condition, and the connection

system comprising elongated catheter connection stem attached at the proximal end thereof to the medical device and having a distal end remote therefrom configured to be receivable in the lumen of the catheter, the connection stem enclosing a fluid passageway extending between the proximal end and the tip of the distal end thereof, the fluid passageway communicating with the medical device at the proximal end of the connection stem and with the exterior of the connection stem at a location positioned inside the lumen of the catheter when the distal end of the connection stem is received therein, the connection stem comprising, a frustoconical barb formed on the exterior of the distal end of the connection stem, the outer surface of the barb enlarging radially outwardly about the distal end of the connection stem in a proximal direction to a shoulder of the barb, the barb terminating at the shoulder thereof in a flat annular barrier wall encircling the connection stem and disposed in a plane oriented perpendicular to the longitudinal axis of the connection stem, the barrier wall having a circular inner periphery and a concentric outer periphery coincident with the shoulder of the barb a cylindrical portion of the connection stem adjacent to and proximal of the barrier wall, the outer surface of the cylindrical portion being concentrically disposed about the longitudinal axis of the connection stem with a radius equal to the radius of the inner periphery of the barrier wall, and catheter securement collar having an internal bore sized to receive the connection stem and to advance proximally along the exterior thereof from the distal end thereof into the assembled condition of the connection system, in the assembled condition of the connection system the longitudinal axis of the securement collar coinciding with the longitudinal axis of the connection stem, the securement collar comprising a proximal end capable of engaging the exterior of the connection stem in the assembled condition of the connection system, and a catheter locking ring on the


interior of the securement collar remote from the proximal end thereof the locking ring comprising, a flat distal face disposed in a plane perpendicular to the longitudinal axis of the securement collar, and a cylindrical inner surface adjacent to and proximal of the distal face, the radius of the interior surface being greater than the radius of the outer periphery of the barrier wall of the barb about the longitudinal axis of the connection stem, the inner diameter of the internal bore of the securement collar being at a minimum at the locking ring, and the locking ring in the assembled condition of the connection system being positioned proximal of the shoulder of the barb concentrically encircling the cylindrical portion of the connection stem, thereby with the distal end of the connection stem received in the lumen of the catheter, subjecting the portion of the outer wall of the catheter disposed between the interior surface of the locking ring and the cylindrical portion of the connection stem to a condition of maximum compression produced in the outer wall of the catheter by the connection system, and producing distally from the interior surface of the locking ring a tortuous path for the outer wall of the catheter between the distal face of the locking ring and the barrier wall of the barb, about the shoulder of the barb, and distally along the portion of the outer surface of the barb adjacent the shoulder thereof. Please note that it is the Examiner's position that some language such as "purchase enhancement means" to describe structure is synonymous with other structures though named differently. (Figures 1-3, and entire patent)

### Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (571) 272-4968. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Nick Lucchesi, can be reached on (571) 272-4977. The official fax phone number for all submissions to the organization where this application or proceeding is assigned is (703) 872-9306.

Michael M. Thompson  
Patent Examiner



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MT 

January 21, 2005